

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JEREMY SPENCER	§	
VS.	§	CIVIL ACTION NO. 1:17cv43
ERICA J. HAYES, ET AL.	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jeremy Spencer, proceeding *pro se*, filed the above-styled lawsuit against several defendants, including Erica J. Hayes. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

Defendant Hayes has filed a motion to dismiss (doc. no. 4). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concluding plaintiff failed to state a claim against defendant Hayes upon which relief could be granted and recommending that the motion be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the Court is of the opinion the objections are without merit. Plaintiff appears to believe the Magistrate Judge recommended that his entire case be dismissed and objects to such action. This is incorrect as the Magistrate Judge only recommended that the claim against defendant Hayes be dismissed. With respect to defendant Hayes, plaintiff states he does not believe she provided him with inadequate care and states she was very nice and tried to help him. The Magistrate Judge therefore correctly concluded plaintiff failed to state a claim against defendant Hayes.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The motion to dismiss filed by defendant Hayes is **GRANTED** and defendant Hayes is **DISMISSED** from this lawsuit.

So **ORDERED** and **SIGNED** this **22** day of **September, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge